

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRI MICHELLE PIETTE,

Defendant.

Case No. CR-17-079-RAW

JOINT MOTION TO DECLARE CASE A COMPLEX MATTER

COMES NOW the United States of America by and through United States Attorney Brian J. Kuester and Assistant United States Attorney D. Edward Snow and the Defendant, Henri Michelle Piette, represented by Assistant Federal Public Defender Robert S. Williams, and respectfully files this joint motion requesting that the Court find that this case is complex under the provisions of the Speedy Trial Act, 18 USC 3161(h)(7)(B)(ii), and in support of said motion, states as follows:

1. The Government and the Defendant agree that given the dates of the acts alleged in the Indictment, the spatial locations of the witnesses, and the amount of discovery, the case is unusual and complex for purposes of the Speedy Trial Act, 18 USC 3161(h)(7)(B)(ii);

2. The Defendant has been charged in a two-count Indictment containing Count One: Kidnapping, in violation of Title 18, United States Code, Sections 1201(a)(1) and 1201(g), and Count Two: Travel With Intent To Engage In A Sexual Act With A Juvenile, in violation of Title 18, United States Code, Section 2423(b);

3. Count One of the Indictment alleges a date of “In or about January 1997”;

4. Count Two of the Indictment alleges a date range of “From in or about January 1997, the exact date being unknown to the Grand Jury, to July 28, 2016”;

5. To date in excess of 1400 pages of discovery have been provided to the defense;
6. To date in excess of 17 discs of audio and video interviews have been provided to the defense. Several of the interviews are hours long;
7. Witnesses for the Government are located in New Mexico, Kansas, Arizona, Missouri, Montana, Louisiana, and Mexico;
8. In excess of 100 pages of records from different States and Countries indicating the previous locations of the defendant and the victim has been made available to the defendant;
9. On January 16, 2018 the defendant appeared for an Initial Appearance on this matter and was remanded to the custody of the United States Marshall (Docket # 15). A Jury Trial was set on March 6, 2018 (Docket # 16). On February 7, 2018, the Court granted an unopposed motion by the defendant to continue the trial and the Jury Trial was reset to May 1, 2018 (Docket # 19, 20). The parties are requesting that this matter be declared complex and that all scheduling dates be continued and the Court set an August trial date;
10. The Speedy Trial Act contains statutory provisions to address such an atypical complex case based on the nature and amount and dates of the discovery materials, the complexity of the charges, and the time that will be needed for both counsel to review the information and interview witnesses, and conduct whatever investigations may be necessary. 18 USC 3161(h)(7)(B)(ii) states:

“(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

- (ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limit established by this section.”;

11. Many of the documents and interviews date back more than 20 years.
12. This case is requiring a large amount of time for defense counsel to review, digest and evaluate the discovery, review the evidence and to investigate the information and ultimately travel and interview witnesses prior to consulting with his client.
13. The Defendant has previously signed a speedy trial waiver.
14. The parties expect further discovery exchanges in the case.

CONCLUSION

Wherefore, based on the argument and authority above, the United States and the Defendant respectfully requests the Court declare this matter complex and that all scheduling dates be continued and the Court set an August trial date;

Respectfully submitted,

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Respectfully submitted,

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